

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING
PANEL

DATE OF DETERMINATION	10 January 2017
PANEL MEMBERS	Jason Perica (Chair), Lindsay Fletcher, Kara Krason, John Gilbert, Sandra Hutton
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Electronic meeting held between Monday, 19 December 2016 and 10 January 2017, following a public meeting on 8 December 2016.

MATTER DETERMINED

2016HCC014 – Lake Macquarie City Council – DA/202/2016 at 64-72 Warners Bay Road, Warners Bay, related to a Residential Aged Care Facility.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at Item 6, the material listed at Item 7 and the material presented at meetings and the matters observed at site inspections listed at Item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

REASONS FOR THE DECISION





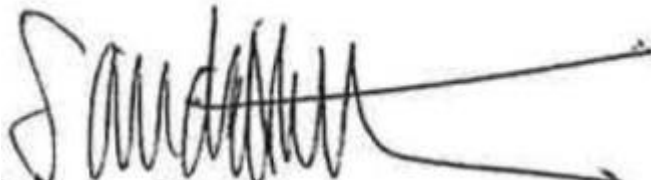
- a) The Panel considered the written variation request to the maximum Height of Buildings development standard for the site and considered that compliance with the standard was unnecessary, and that there were sufficient environmental planning grounds to support the proposed variation, as the proposal was considered consistent with the zone objectives and consistent with the objectives of the height standard within Clause 4.3 of LMLEP 2014. Further, the specific nature of the site, including the slope of the land, need to address flooding, the localised areas of non-compliance and design/mitigation measures, resulted in a development that suited the site and did not cause any significant impacts on neighbouring land from the height non-compliance. The height non-compliance occurred towards the rear of the site, which generally arose from the siting, which appropriately provided a significant front setback for a well landscaped carpark, given the zone objectives.
- b) In terms of wider considerations, the Panel generally agreed with the environmental assessment and balance of considerations within the Council staff assessment report.

In particular, the Panel found the proposal appropriately balanced the zone objectives, site constraints and relationship with adjoining development to provide an appropriate development for the site, which will also help to meet the social and health needs of an ageing society. The visual setting of the site was affected by adjoining development, yet the well landscaped carpark provided an appropriate landscape setting. The flooding and riparian aspects were addressed by setbacks and proposed floor levels, and mitigation measures addressing

potential privacy impacts (visual and aural) to adjoining land were addressed by conditions of consent, modified since the public meeting.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report considered at the meeting on 8 December 2016, as revised and updated in a Supplementary Assessment Report dated 13 December 2016.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Lindsay Fletcher	 John Gilbert
 Sandra Hutton	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016HCC014 – Lake Macquarie City Council – DA/202/2016
2	PROPOSED DEVELOPMENT	Residential Aged Care Facility
3	STREET ADDRESS	64-72 Warners Bay Road, Warners Bay
4	APPLICANT/OWNER	BUPA CARE SERVICES PTY LIMITED
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ◦ Lake Macquarie Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ◦ Lake Macquarie Development Control Plan 2014 • Planning agreements: Nil • <i>Environmental Planning and Assessment Regulation 2000</i> • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report and attachments including Clause 4.6 Variation request • Submissions during public exhibition: Two • Verbal submissions at the panel meeting: <ul style="list-style-type: none"> ◦ Support – None ◦ Object – None ◦ On behalf of the applicant – Mr Richard Abbott • Supplementary Assessment Report dated 13 December 2016 • Integrated Referral response and GTAs from DPI – Water
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting on 18 August 2016 • Briefing on 8 December 2016 • Site visit on 8 December 2016 • Public Meeting on 8 December 2016 • Electronic Meeting held between 19 December 2016 and 23 December 20, 2016
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report, as amended in the supplementary assessment report